

GENDER AND JUSTICE COMMISSION

2017-2019 REPORT

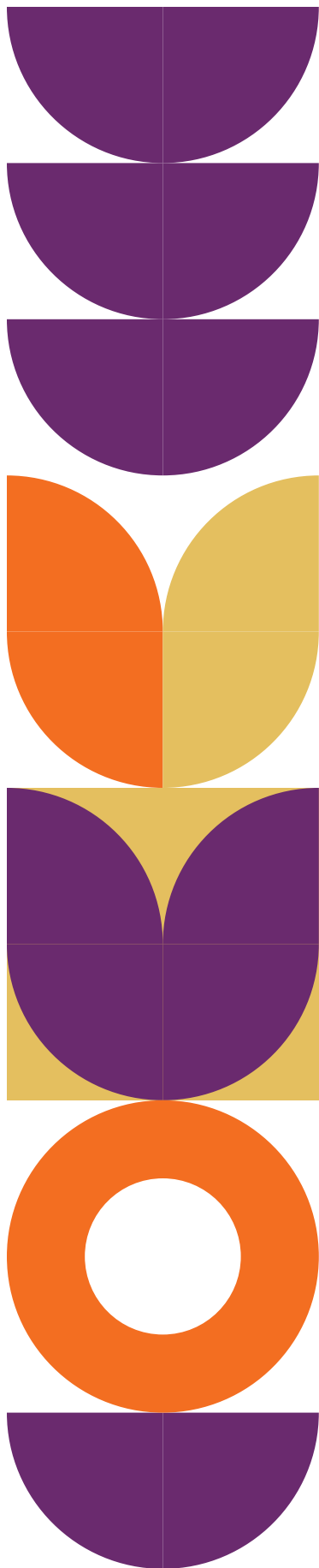


WASHINGTON
COURTS
ADMINISTRATIVE OFFICE OF THE COURTS

GENDER AND JUSTICE COMMISSION

Promoting Gender Equality
in the Justice System





Message from the Co-Chairs

On behalf of the Washington State Supreme Court Gender and Justice Commission, we are pleased to present you with the 2017-2019 Report. It highlights the Commission's key initiatives and accomplishments for that time period. In March 2017, we began our service as Chairs of the Commission. Together with our hardworking appointed Commissioners and dedicated staff, we have moved the work of the Commission forward exponentially during this time.

This is a working Commission, and its members have been actively addressing gender bias in Washington State Courts since 1994. The Commission's efforts over the past three years, which are detailed in the following pages, have included: coordination of the Tribal State Court Consortium; work to ensure court access for incarcerated parents; an extensive update to the Sexual Violence Bench Guide for Judicial Officers; and presentation of more than 35 educational programs for judicial officers and court staff on topics related to gender equality.

Of particular interest to the future work of the Commission, and we hope to the justice system as a whole, is our new Gender Justice Study. We have made great strides since we last reported on this new initiative, including obtaining a State Justice Institute Project Grant [see page 22] to fund it. We are very excited about this grant and breaking ground in new areas of research on how gender impacts justice. Our research team is using an evidence-based model to look at the status of women in the courts with a particular focus on the women most often overlooked, that is, women of color and women in poverty. We are also thrilled to launch four pilot projects to explore some gender justice issues in more depth [see page 16].

We encourage anyone who is interested in ensuring gender equality in the court system to reach out to the Commission and be involved in these efforts. Thank you for your continuing support.



Justice Sheryl Gordon McCloud
Washington State Supreme Court



Judge Marilyn Paja
Kitsap County District Court

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2017-2019 REPORT



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Promoting Gender Equality
in the Justice System



This report is published by the Gender and Justice Commission, supported by the Washington State Supreme Court, in Olympia, Washington. The focus of this report is to highlight the Commission's key initiatives and accomplishments from 2017 - 2019.



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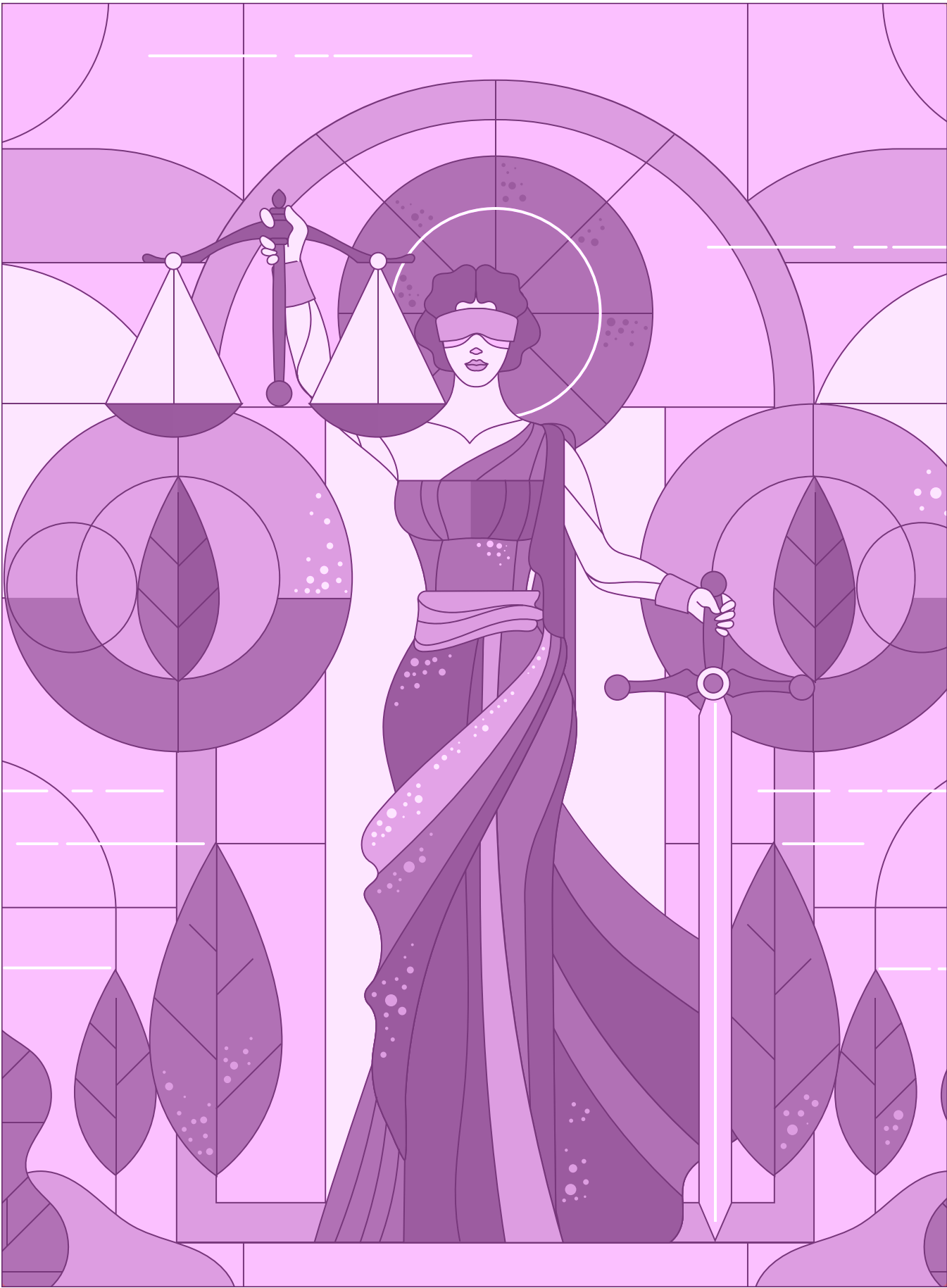
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Introduction

Commission Mission

The Washington State Supreme Court Gender and Justice Commission (GJC) was established by the Washington Supreme Court in 1994. The Court has renewed the Commission every five years since, with the most recent renewal being ordered by the Court in 2020. The purpose of the Commission is to identify concerns and make recommendations regarding the equal treatment of all parties, attorneys, and court employees in the State courts, and to promote gender equality through researching, recommending, and supporting the implementation of best practices; providing educational programs that enhance equal treatment of all parties; and serving as a liaison between the courts and other organizations in working toward communities free of bias.

Commission Members

The Commission is comprised of twenty-one members who serve an initial three year term, with the potential to renew. In addition, the Commission maintains liaison relationships with other organizations working toward the shared goal of gender equality. We value the expertise of ongoing members and being open to fresh ideas and perspectives as we welcome new members to our working Commission. Through its diverse multidisciplinary membership, the Commission exercises a strong statewide leadership role in promoting gender equity in the legal and judicial community.

CO-CHAIR

Justice Sheryl Gordon McCloud
Washington State Supreme Court

CO-CHAIR

Judge Marilyn G. Paja
Kitsap County District Court

Judge Anita Crawford-Willis
Seattle Municipal Court
2017 – 2020 (1st Term)

Honorable Josie Delvin
Benton County Clerk
2017 – 2020 (2nd Term)

Judge Rebecca Glasgow
Court of Appeals, Division II
2018 – 2021 (1st Term)

Justice Steven González
Washington State Supreme Court

Ms. Gail Hammer
Gonzaga University School of Law
2018 – 2021 (2nd Term)

Ms. Lillian Hawkins
Court Coordinator
King County District Court
2019 – 2020 (1st Partial Term)

Ms. Elizabeth Hendren
Northwest Justice Project
2018 – 2021 (1st Term)

Ms. Grace Huang

Asian Pacific Institute on Gender-Based
Violence
2017 – 2020 (2nd Term)

Judge Eric Z. Lucas

Snohomish County Superior Court
2019 – 2021 (3rd Partial Term)

Judge Maureen McKee

King County Superior Court
2019 – 2020 (1st Partial Term)

Ms. Heather McKimmie

Disability Rights Washington
2017 – 2020 (1st Term)

Judge Rich Melnick

Court of Appeals, Division II
2018 – 2020 (3rd Partial Term)

Ms. Erin Moody

Eleemosynary Legal Services
2017 – 2020 (1st Term)

Ms. Riddhi Mukhopadhyay

Sexual Violence Law Center
2017 – 2020 (1st Term)

Dr. Dana Raigrodski

University of Washington School of Law
2018 – 2021 (2nd Term)

Ms. Jennifer Ritchie

Washington Women Lawyers
2019 – 2020 (2nd Partial Term)

Ms. Sonia M. Rodriguez True

True Law Group, P.S.
2018 – 2021 (2nd Term)

Judge Jaqueline

Shea-Brown
Benton & Franklin Counties Superior Court
2019 – 2022 (1st Term)

Chief Judge Cindy K. Smith

Suquamish Tribal Court
2019 – 2022 (2nd Term)

Ms. Victoria L. Vreeland

Vreeland Law PLLC
2018 – 2021 (2nd Term)

AOC Staff

Ms. Kelley Amburgey-Richardson, JD
Senior Court Program Analyst
Gender and Justice Commission

Ms. Cynthia Delostrinos, JD
Manager
Supreme Court Commissions

Ms. Moriah Freed
Administrative Assistant
Supreme Court Commissions

[View Current Membership Online](#)

Events

Judicial Officer and Law Student Receptions

Each year, the Commission partners with the National Association of Women Judges (NAWJ) and the Washington State Association for Justice (WSAJ) to provide a networking opportunity and recognize women law students from one of the three Washington State law schools. The students selected for the NAWJ and WSJ scholarships presented at these events have demonstrated leadership, an interest in gender equity issues, and a commitment to improving the justice system.



In their own words, law student liaisons to the Commission shared what these events mean to them: *In 2017, University of Washington School of Law hosted the reception. Rebecca Sweeney (3L) received the NAWJ scholarship and Ava Sanchez (2L) received the WSAJ scholarship.*

“As a member of UW’s Women’s Law Caucus, I attended both receptions over the past two years. The receptions are very motivating for female law students like myself, who have an opportunity to see powerful women doing great things in their communities with their law degree. It is inspiring to talk with judges who have made monumental decisions that impact on our lives. I love hearing about the stories that brought them to these positions and the encouraging messages and advice they are passing on to us as the future generation of female lawyers in Washington. Being on the Commission has also allowed me to have a unique perspective of how different stakeholders in the legal community can bring about change through discussion, action, and commitment from all the Commission members. I am so grateful to have had this opportunity to work and strive towards equity for women in law alongside the justices and judges.”

— **Sydney Arizona Bay**, *University of Washington School of Law Women’s Law Caucus Co-President*

In 2018, Seattle University School of Law hosted the reception. Cassidy Wisley-Paul (3L) received both the NAWJ and WSAJ scholarships.

“Working with the Commission during my 2L and 3L years of law school gave me the opportunity to meet with attorneys and judges from all over the state, all in different practice areas. I was able to participate in discussions regarding important and groundbreaking ideas for how to make the legal system more inclusive for women attorneys and women in general.

Helping to plan the 2018 reception was one of the highlights of my law school career. I worked closely with the other people helping plan it to put on an event that brought law students in the same room as attorneys and judges in a way that does not happen often. I saw how much the students appreciated the rare chance to meet with people they admire, and that they saw powerful women in positions they themselves would like to be in someday.”

— **Cassidy J. Wisley-Paul**, *Seattle University School of Law Women’s Law Caucus Co-President*

In 2019, Gonzaga University School of Law hosted the reception. Leah Wilborn-Neese (2L) received the NAWJ scholarship and Tracy Cresta (2L) received the WSAJ scholarship.

“Taking part in the Judicial Officer and Law Student Reception, as representatives of the Women’s Law Caucus, was truly an honor. As law students, we are often swept up in the haste of due dates and demands in the classroom. It becomes easy to overlook, not only how far we’ve come as students, but also the efforts of those who came before us, who blazed this very trail we currently walk. As we all pursue individual pathways to justice, this event provided a poignant moment of reflection in our journey. It was a pleasure to meet so many accomplished professionals, and it was enjoyable to know our classmates made meaningful connections as well. This time spent with leaders in our state allowed time to celebrate hard-fought victories, while dutifully acknowledging the unfinished work ahead. We remain ever grateful for the Gender and Justice Commission’s continued support and example in leadership.”

— **Macy Disney & Renée Pilch**, *Gonzaga University School of Law Women’s Law Caucus Co-Presidents*



Success Inside & Out

Each of the past three years, the **National Association of Women Judges** (NAWJ) and the Commission have sponsored the Women's Conference at Mission Creek Corrections Center for Women. Both organizations greatly value this opportunity to positively represent the justice system to women preparing for reentry into our communities.

Planning committee members have included recently elected NAWJ President Judge Karen Donohue, King County Superior Court, King County District Judges Lisa Paglisotti, Lisa O'Toole, and Janet Garrow, ret., and Judge Marilyn Paja, Kitsap County District Court and GJC Co-Chair. Judicial officers from across the state attend, speak at the event, and facilitate roundtable discussions on topics such as legal financial obligations, relicensing, and parenting rights.

The Women's Conference was launched in 2009 to provide resources and address the specific needs of women transitioning back to their families and communities. Women at the conference can attend classes on finding jobs, getting re-licensed, starting businesses, ensuring successful family time, and other important components of transition. Resource tables offer information on services and resources available to help.



Building successful lives after prison is possible — by focusing on change, learning from success stories, and making use of helpful resources. This is the core message of the annual Women's Conference, based on an NAWJ program called "Success: Inside & Out."

In 2018, Washington Supreme Court Justice Sheryl Gordon McCloud, Co-Chair of the Gender and Justice Commission, was among the keynote speakers at the two-day conference. "We have two goals. One is to provide the women at Mission Creek with some information to help with all the challenges involved in transitioning back into society," said Justice Gordon McCloud. "But the other, equally important, goal is to share with these women how much faith we have in their ability to survive and thrive in the future. We will emphasize second chances, success stories, and hope."



The Commission hopes to continue to be included in this important event for many years to come. We are thankful for DOC's responsiveness and commitment to improving access to the courts and look forward to additional opportunities to partner on issues of importance to our organizations.



Women's History Month CLE

The Washington State Bar Association's 1st Annual Women's History Month CLE Program, *The #MeToo Movement and Employment Law* was presented in March 2018 with support from the Gender and Justice Commission and Washington Women Lawyers. In celebration and honor of Women's History Month, the inaugural program focused on women, the law, and workplace related issues, in light of the #MeToo movement.

Gender and Justice Commission Co-Chair, Judge Marilyn Paja, opened the program. Esteemed legal professionals presented on Economic Justice: Equal Pay and Closing the Wage Gap, Sexual Harassment in the Workplace and Diversity & Inclusion Practices and Policies.

The 2nd Annual Women's History Month CLE Program, *Women and the Law: Past, Present and Future* was held in March 2019. Justice Sheryl Gordon McCloud, Commission Co-Chair, opened the program. In the first segment, *The Evolving Jurisprudence and Legacy of Justice Ruth Bader Ginsburg*, panelists from the University of Washington discussed the influence Justice Ginsburg has had on transforming law to address the concerns of women, her complex role as an American icon, and her influence on the next generation of lawyers.

Justices Stephens and González presented next on *The Once and Future Equal Rights Amendment*. In 1972, Congress passed the Equal Rights Amendment (ERA) and sent it to the states for ratification. Washington quickly ratified the ERA and our state constitution was amended to include it, but the ERA has not (yet) garnered the 38 votes needed to amend the United States Constitution. This interactive program traced the history of the ERA, explored some significant court decisions based on it, and considered the future of this landmark declaration of equal rights.

In the final session of the day, now Justice Raquel Montoya-Lewis presented, *Seeing the Unseen: Implicit Bias*, on the ways in which our unconscious bias impacts decision-making and judgments. With specific reference to her own family history, Judge Montoya-Lewis described how implicit bias has wide ranging effects in both the structure and institution of the law, focusing on a few paradigmatic examples showing gender and racial bias in the law.



International Delegation Visits

On October 10, 2017 members of the Gender & Justice Commission and members and staff of the Supreme Court met with an international delegation on Women and Justice sponsored through the Department of State's International Visitor Leadership Program. The group toured several states and many courts during their month-long exchange visit. This was an opportunity for GJC members to connect with and hear from women judges, attorneys and other professionals who are working on the same issues that we are in other countries. NAWJ members Justice Sheryl Gordon McCloud and Judge Marilyn Paja spoke about the collaborative work of the Commission and the NAWJ. NAWJ collar pins were given as gifts to all of the attendees.





In 2018, the Commission again had the opportunity to host a delegation sponsored through the Department of State's International Visitor Leadership Program. This group focused on the issue of Protecting Women and Children. Participants from Albania, Barbados, Cambodia, Egypt, Palestinian Territories, and South Africa represented child protection agencies, forensic medicine authorities, justice departments and the courts. Commission members presented on the new Gender Justice Study, their work on access to justice for incarcerated parents, and the Tribal State Court Consortium. The delegation and Commission members then had the opportunity to discuss the many connections and differences among their work.

It was an honor to host such prestigious representatives from their respective countries, and the Gender and Justice Commission looks forward to hosting future delegations.



Committee and Project Highlights

Are you excited by what you have read about the Commission's events and programs so far? Join us! We welcome partners in our work to promote gender equality in the justice system. In the following pages you will read more about our current committees and projects. Contact Commissions@courts.wa.gov to get involved.

Court Education

One of the major ways the Gender and Justice Commission works to eliminate gender bias in the courts is through the development and sponsorship of court education programs. All of our programs are focused on gender issues, whether those issues have been recognized and addressed since we were formed (like domestic violence), or have not (like girls of color in the juvenile justice system). Under the gender umbrella, the Commission also includes issues such as treating transgender litigants with respect and fairness and the intersection of gender and other LGBTQ identities. GJC also partners with other entities, like the Minority and Justice Commission, to put on programs that look at the intersection of gender and race and other biases.

In 2017 – 2019, the Gender and Justice Commission sponsored more than thirty-five educational opportunities for judicial officers and court staff. The full list may be found on the [Education page of the Commission's website](#).

Court Access for Incarcerated Parents

One of the most significant accomplishments of the past several years has been the Commission's work on court access for incarcerated parents. In 2017, the Commission, in partnership with the Coalition for Children of the Incarcerated, convened fifty plus stakeholders, including Department of Corrections officials, judicial officers, attorneys, and parents. This event built on a 2014 convening and a 2016 judicial education session for Superior Court Judicial Officers.

There are many barriers that incarcerated parents face in trying to participate in their family law and/or dependency cases [see examples on Page 12]. There is no uniform, statewide procedure that courts use when an incarcerated parent wants to remotely participate in a hearing, trial, or other court proceeding. The purpose of this convening was to find solutions that will facilitate participation, and will help keep families together.

Justice Sheryl Gordon McCloud, Co-Chair of the Gender and Justice Commission, opened the day by emphasizing the importance of involvement from state agencies that have the ability to make policy and practice changes that will improve access for incarcerated parents, through partnership with advocacy groups.

A panel presented on navigating the system. This included perspectives from attorneys who represent or assist incarcerated clients, a judicial officer who hears these cases, the Department of Corrections, and current and formerly incarcerated parents who were directly affected by this issue.

Participants at the 2017 Convening identified potential solutions, such as installing kiosks with access to pre-approved legal resources in minimum security facilities that do not have law libraries. They also identified existing successful practices that could be institutionalized. One example is that DOC asks at intake if the individual is a parent. Other facilities, including juvenile facilities, could implement this, and provide appropriate resources.

The Incarceration, Gender & Justice Committee is leading this ongoing work. One way that the Commission has kept these important issues at the forefront is by conducting follow-up judicial education in 2018. We anticipate continuing to work with stakeholders to implement solutions.

Barriers to Court Access for Incarcerated Parents

Original list prepared by Elizabeth Hendren, Northwest Justice Project

- » **Court-appointed attorney:** Attorneys are appointed for dependency cases, but not for family law cases. Additionally, federal funding for legal aid prohibits representation in court of incarcerated individuals, so indigent parents with family law cases seldom have an attorney.
- » **Access to a law library:** Minimum-security prisons and most county jails do not have a law library. DOC will not usually transport parents from minimum-security prisons to a prison with a law library for a family law issue. 65.22% of judges and commissioners surveyed in 2016 thought incarcerated parents have access to legal research.
- » **Mandatory court forms:** Family law cases require pleadings to be filed on mandatory forms, however these forms are not available in minimum-security prisons and jails. 46.38% of judges and commissioners surveyed in 2016 thought incarcerated parents have access to these forms.
- » **Transportation:** DOC does not provide transportation to family law hearings/trials.
- » **Internet access:** Incarcerated parents have no direct internet access, however 21.74% of judges and commissioners surveyed in 2016 thought they do.
- » **Email access:** Incarcerated parents do not have regular email access. They can only send electronic messages through JPay (a private commercial fee-based service), however most courts do not have JPay accounts.
- » **Telephonic appearances:** Currently each county has a different local rule for requesting a telephonic appearance, and not all the rules are possible to complete without internet access, email, or money for multiple phone calls. When telephonic appearances are arranged, some counties give a multi-hour window to expect the call from the court, which is burdensome to DOC staff who are expected to work with multiple people.
- » **Access to court-ordered services:** Sometimes the court orders parents to complete services or treatment that is not available to them at their facility, and sometimes the parents' lack of compliance with the court ordered services is used against them.
- » **Eligibility for parenting sentencing alternatives:** If a parent may lose their child in a dependency case, this is a significant barrier to overcome to get into these programs.
- » **Phone calls with attorneys:** There is not usually a way for court-appointed attorneys to call into a prison to speak with their client for an urgent issue. Additionally, calls out are expensive; not all incarcerated parents can afford to pay to call out and not all law offices accept collect calls. Some DOC counselors will facilitate calls between incarcerated parents and their attorneys, but others refuse, saying that it is against DOC policy for them to do so.
- » **Phone calls and mail to DSHS Social Workers, CASAs, and GALs:** Similar to calls with attorneys, sometimes parents need to communicate with social workers or evaluators working on their cases and can't due to the high cost of prison phone calls. Additionally, parents can't send free legal mail to social workers and evaluators as they can to attorneys.
- » **Child visitation:** At the 2014 Stakeholders' meeting, attorneys reported some courts seeming unaware of visitation options through DOC or being unwilling to allow incarcerated parents to have court-ordered visitation with their children. This was echoed in the 2016 court survey, where 16.87% of judges and commissioners surveyed answered "no" the question "Do you believe visits with a parent in jail or prison can be in the best interests of the child?"
- » **Lack of information:** Parents don't know what is happening in their family law/dependency case.



Tribal State Court Consortium

The Tribal State Court Consortium (TSCC) is a collaboration of the Minority and Justice Commission, Gender and Justice Commission, Administrative Office of the Courts, and tribal courts across Washington State. Created in 2013, TSCC aims to expand and increase communication and cooperation between state and tribal court judicial officers. TSCC provides an open, transparent forum where state and tribal court judicial officers can come together and discuss jurisdictional issues, gaps in services, and ways to develop lasting partnerships. While a few activities are highlighted below, you may read additional details about the TSCC's recent activities on its regularly updated [website](#).

The TSCC meets regularly as a group. The Confederated Tribes of the Colville Reservation and the Tulalip Tribal Court hosted Regional Meetings in 2017 and 2018, respectively.

The TSCC also meets during the statewide Annual Fall Judicial Conference. In 2019, the focus was "What can Courts do about Missing and Murdered Indigenous Women and Girls?" Annita Lucchesi, Executive Director of the Sovereign Bodies Institute, and Sheldon Spotted Elk, Casey Family Programs, ICWA Program presented to the largest Annual Meeting of the TSCC to date!

Court Rule

The TSCC advocated for a new court rule to provide a mechanism for state courts and tribal courts to communicate with each other to address issues when parties have simultaneous proceedings occurring in state and tribal court.

The court rule, which has since been adopted in amendments to [Superior Court Civil Rule 82.5](#), gives a framework to allow both state and tribal courts an efficient process to resolve jurisdictional issues and conflicts in orders to get to the substance of the disputes. It also provides a mechanism for communication on enforcement of judgments between state courts and tribal courts.

Attorney General Opinion

Justice Susan Owens and Justice Barbara Madsen requested an Opinion from the Washington State Office of the Attorney General, on behalf of the TSCC.

The Opinion, which was published in 2018, answers the following questions:

1. **Does Washington have an obligation to enforce protection orders issued by the courts of other states or by Indian tribal courts?**

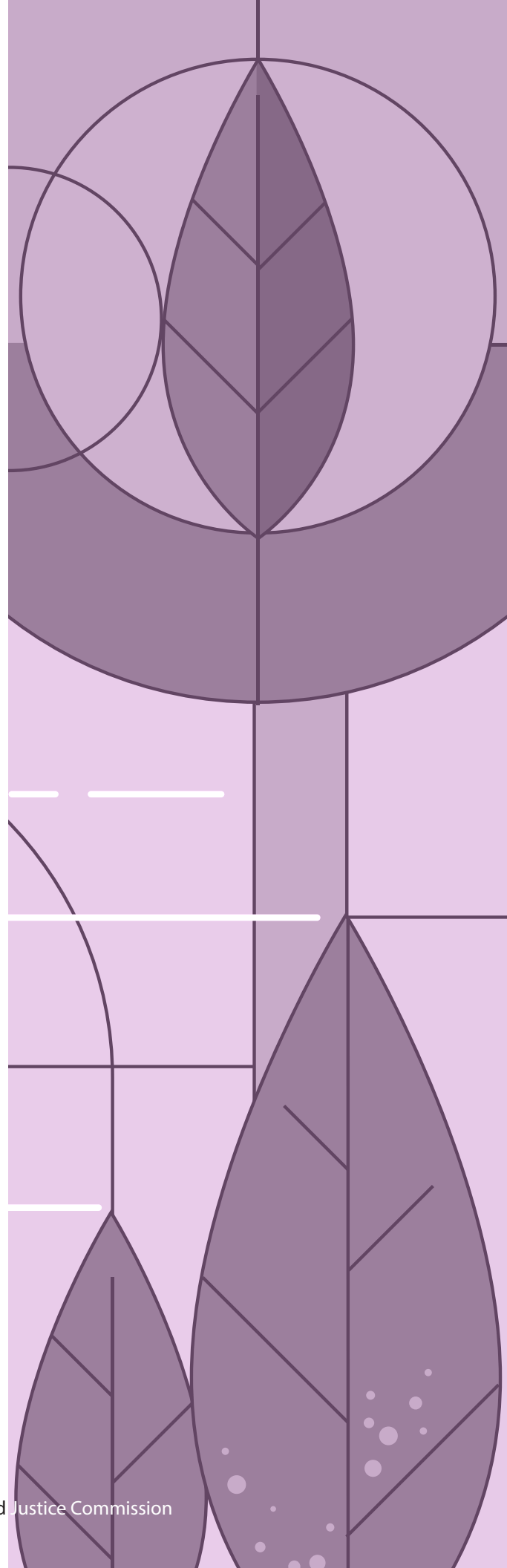
Yes. Federal law, 18 U.S.C. § 2265, requires that any protection order issued by the court of a state or Indian tribe be accorded full faith and credit and enforced by the court of another state or Indian tribe, if the protection order is consistent with 18 U.S.C. § 2265(b). The Washington Foreign Protection Order Full Faith and Credit Act, RCW 26.52, implements this requirement in Washington.

2. **If Washington has such an obligation, is registration of a protection order in a Washington state court a prerequisite to enforcement?**

No. Under 18 U.S.C. § 2265(d)(2), a protection order issued by a state or Indian tribe must be accorded full faith and credit regardless of whether it is registered or filed in the court of the enforcing state or Indian tribe. Washington law permits protection orders to be filed without cost, but filing is not a prerequisite to enforcement. RCW 26.52.030.

This confirms the TSCC's longstanding understanding of the state of the law. The full analysis may be found on the [AGO website](#).

See the Funding section starting on page 22 for information about grant support for our work with Tribal Courts.





Domestic and Sexual Violence

During this time period, the **Domestic Violence and Sexual Violence Committees** merged. This new committee is bursting with expertise in both areas, which is essential for a Commission that has prioritized violence against women issues since its inception. Under the guidance of new Co-Chairs, Judge Jackie Shea-Brown and Erin Moody, the committee dove into projects on weapons surrender and published a new edition of the Sexual Violence Bench Guide.

Working with the Education Committee, Domestic and Sexual Violence (DSV) Committee members developed and presented a session on Reducing Gun Violence by Upholding Protection Order Related Firearm Laws for the 2019 Superior Court Judges Association Spring Program. The passage of SHB 1786 (2019) also prompted the development of new bench cards for Judicial Officers on weapons surrender, an effort led by Judge Shea-Brown.

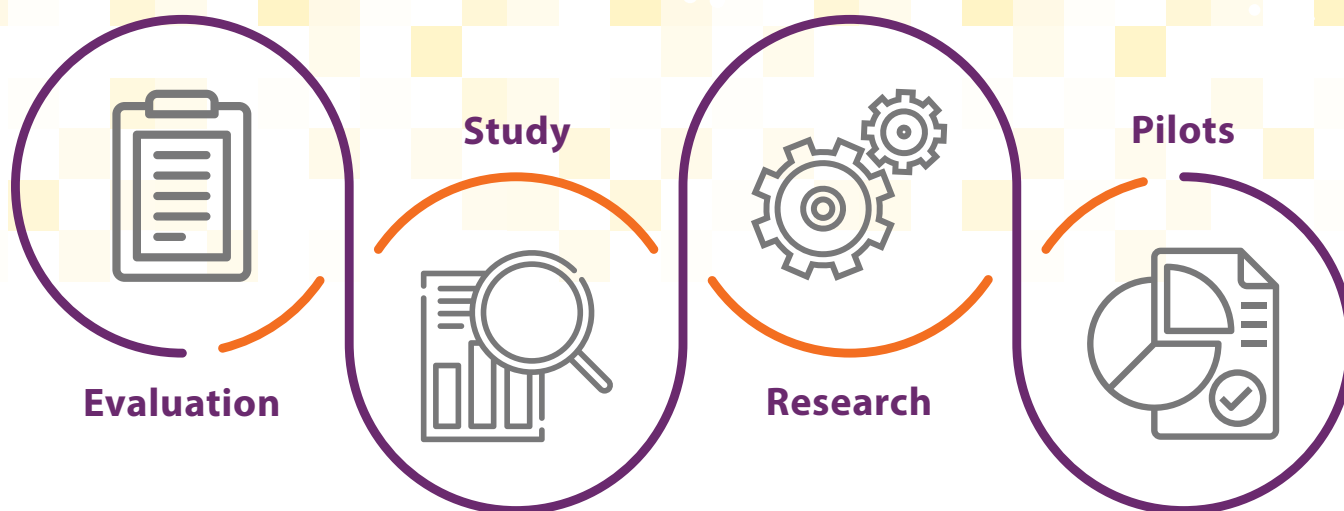
The **Sexual Violence Bench Guide** was originally developed as the Sexual Offense Bench Guide by the Washington State Supreme Court Gender and Justice Commission in 2013, in collaboration with judicial officers, King County Sexual Assault Resource Center (KCSARC), the Washington State Coalition of Sexual Assault Programs (WCSAP), and law students.

The 2018 edition updates all of the original chapters with new case law and statutory changes, and expands the guide to include chapters on civil sexual assault issues. It is the result of an extensive multi-year effort by judicial officers, attorneys, and law students to bring an updated, relevant, accessible resource on this important issue to Washington State judicial officers. This project was supported by the Commission's court set-side allocation from the federal STOP Violence Against Women Formula Grant Program (Office on Violence Against Women - OVW), administered in Washington by the Department of Commerce.

Led by Judge Marilyn Paja, the Commission published another new resource in 2019. **The Domestic Violence Criminal Trial Bench Guide** delves into evidence issues in domestic violence cases. Developed as a companion to judicial education at the District and Municipal Court Judges Spring Program, this shorter guide is intended as a helpful "on the bench" resource for judicial officers of all court levels.

GENDER BIAS IN WASHINGTON STATE COURTS

Nature and Impact



Gender Justice Study

A ground-breaking Washington state study in 1989 found significant gender impacts in a number of areas — treatment of domestic violence victims, rape victims and women lawyers and judges — and launched establishment of the Gender and Justice Commission in 1994 to address the serious, systemic problems discovered.

The Commission is undertaking a new study of the nature and impact of gender bias in state courts. This study has a particular focus on how race and poverty impact women when they access the courts, participate in legal proceedings, or work in the court environment, and the consequences they experience once they leave the courthouse.

In order to gain a better understanding of the extent and nature of gender bias in the courts today, the Commission is evaluating the status of the recommendations from *Gender and Justice in the Courts*, Washington State, 1989. We have also expanded our study to new substantive legal topics, in order to identify areas where research and evidence may be lacking. Read a full list of study priority topics [online](#).

The project is led by Co-Chairs, Justice Sheryl Gordon McCloud, WA Supreme Court and Gender and Justice Commission Chair, and Dr. Dana Raigrodski, UW Law and Commission member. They have convened a Task Force of subject matter experts who are committed to working intensively on the project.

The project is funded by a State Justice Institute (SJI) project grant, with matching funds from the Gender and Justice Commission and Administrative Office of the Courts.

Project Status – Research

- The Task Force identified **study priority areas** and Dr. Raigrodski and our Project Manager, Sierra Rotakhina, have developed research questions.
- Our research teams have completed substantial legal and social science research to answer the research questions.
- We have engaged legal subject matter experts, who are reviewing graduate student work product and consulting with the social science research team to ensure a connection to the legal framework and court system.
- In addition to the Task Force, we have convened an Advisory Committee of Washington State leaders and stakeholders to advise the Commission in its selection of the pilot projects.

Project Status – Pilots

- In a parallel process, we vetted and scoped pilot project proposals submitted by stakeholders.
- Task Force and Advisory Committee members made recommendations to the Commission about which pilots to implement.
- The Task Force Co-Chairs assessed the pilot project proposals and selected four to move forward with at this time.

These four pilots focus on:

1. **Harassment in the courthouse as a workplace**, including survey development, dissemination, and data analysis, in conjunction with distribution of a model harassment policy for courts.
 2. **Affordable and effective court-based treatment for domestic violence offenders**, including evaluation of an existing innovative treatment option being offered by a few courts in Washington State.
 3. **Impact of child care centers on access to courts**, including partnering with the two child care centers in Washington State (located in vastly different jurisdictions) for evaluation.
 4. **Exploration of the increase in incarceration of women in Washington State**, including partnering with the University of Washington and non-profit legal and social service entities serving incarcerated women to analyze data (including demographics, conviction, sentence) on the female identifying prison population in Washington State to better understand what factors may be contributing to the increased incarceration of women.
- Tools developed as part of the pilot projects will be included in the final report, for adaptation by other states wishing to implement similar projects.

Next Steps

We are currently working with the stakeholders who proposed the four selected pilots to finalize their scope and implement them. We are also continuing to work with experts to develop and refine the research, including incorporating on-the-ground experience and field research, such as internal policies and procedures. We anticipate publishing our final report in 2021.

Policy & Partnership Highlights

Local Government

Gail Stone, Law and Justice Policy Advisor, Office of the King County Executive, recently retired from her appointment to the Gender & Justice Commission, and encourages other local government policy-makers to get involved with the Supreme Court's Commissions. Judge Marilyn Paja conducted an interview with Ms. Stone, who is still an active member of our Incarceration, Gender & Justice Committee. Read more in the [News & Events section of our website homepage](#).



Embedded Librarianship on the Gender and Justice Commission

Laura Edmonston, Deputy Law Librarian, Washington State Law Library

In March 2017, I accepted a request from State Law Librarian Rob Mead and Justice Gordon McCloud to serve as the embedded librarian for the Gender and Justice Commission's Gender Justice Study working group. Embedding takes a librarian into a research program as part of the team at the beginning of the process when goals, objectives, and strategies are being discussed and narrowed. Over the past two years, I have regularly attended meetings of both the gender justice study group and the full Commission and have been given the opportunity to greatly expand on the initial intent of this role. The following are some examples of embedded librarian contributions to the Commission:


- Summary of the 2015 OCLA Civil Legal Needs Study.
- Comprehensive follow-up report on the 1989 gender bias study recommendations.
- Monthly news and literature recap, highlighting current issues of importance to the Gender and Justice Commission.
- Content for the 2019 Women's History Month CLE.
- Votes for (Some) Women – an annotated timeline of 100 years of women's suffrage and the impact on women of color for Justice Gordon McCloud.
- Research reports and scholarly article summaries for Commission working groups.
- Participation in the **Justice for Girls Coalition's Beyond Pink Conference, sponsored by the Commission.**
- Participation in the development of ideas for expanding law library access for incarcerated parents as part of the Court Access for Incarcerated Parents working group.



Domestic Violence Work Group Reports

In June 2018, after nearly a year of investigation and collaborative discussion, the Gender and Justice Commission delivered two reports to the state legislature concerning treatment for domestic violence (DV) offenders and assessment of risk.

The Gender and Justice Commission facilitated the examination of these issues, along with collaborators, including Washington State University (WSU) researchers and the Washington State Coalition Against Domestic Violence (WSCADV) as well as prosecutors, defense lawyers, advocates and treatment providers from around the state. The examination and reports were required by [House Bill 1163 \(2017\)](#), which addressed gaps in Washington’s laws and policies regarding the serious problem of repeat domestic violence crimes.



“The workgroups carefully examined the processes involved to mandate and enforce effective treatment. Until very recently we have used a one-size-fits-all treatment regime that is largely seen as unsatisfactory,” said Kitsap County District Court Judge Marilyn Paja, who with Snohomish County Superior Court Judge Eric Lucas, co-chaired the G&J Commission’s Work Groups. Recent changes to treatment and assessment implemented by the Department of Social and Health Services (DSHS) are seen as promising practices that require on-going data collection and study.

“Because the gaps identified involve system-wide processes, the solutions are not simple,” Judge Lucas said. ***“Our new approach, if it’s accepted, will mean a long-term statewide commitment to improving domestic violence perpetrator treatment.”***

The Risk Assessment Work Group’s report to the Legislature, also required by HB 1163, recommended steps for creating effective, evidence-based risk assessment tools that should be used by law enforcement officers, courts, treatment providers and others for assessing the degree and potential of lethality of risk in domestic violence situations and of perpetrators to the victim and the community as a whole.

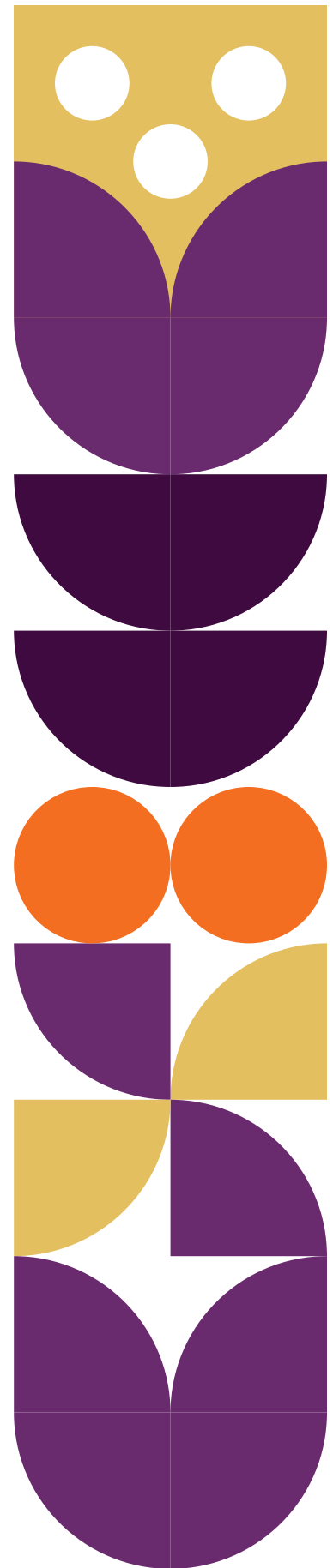
The Work Groups’ two reports to the Legislature and Governor Jay Inslee may be found on the Gender & Justice Commission’s [Legislative page](#).

With the passage of E2SHB 1517 in 2019, the work groups have reconvened to monitor implementation of their recommendations and conduct new analyses as charged by the legislature. The 2019 work groups are co-chaired by Judge Eric Lucas, Snohomish County Superior Court and Judge Mary Logan, Spokane Municipal Court. Judge Marilyn Paja, Kitsap County District Court, continues to lend her considerable expertise to this work.

Tracking New Policy Efforts

Beginning in 2018, Gender and Justice Commission staff tracked bills of interest to the Commission and its members during legislative session. This involved reviewing hundreds of bills, and actively monitoring the progress of more than fifty bills each year.

As a judicial branch commission, we typically do not take positions on proposed legislation, unless it impacts the administration of justice, especially with respect to gender issues. But our goal is to “eliminate gender bias in the legal profession and within the law and justice system.” In order to achieve that goal, we have to stay informed about current events, including developments in the other branches of government that might impact our goals. A regular Summary of Bills is compiled for that limited purpose.



Funding

Commission staff seek funding from a variety of sources to respond to emerging issues related to gender bias, rights for incarcerated women and girls, domestic violence, sexual assault, stalking, collaboration between tribal and state courts, and other gender equality issues. These funding sources are essential to the work of the Commission. We thank our state and federal funding sources and our legislative partners for their dedication to gender equality in the justice system and the court's role in prevention and response to gender-based violence.

In addition to operating funds from the Administrative Office of the Courts budget, during this period the Commission's work was supported by the following sources.

Department of Commerce – STOP Formula Grant Program

The Commission, through the Administrative Office of the Courts, has received and managed the five-percent courts allocation from the federal STOP Violence Against Women Formula Grant Program (Office on Violence Against Women) since 2002. This grant primarily supports educational programs for judicial officers and court staff, development and distribution of bench guides, bench cards, and other resources.

From time-to-time, and within available funding, the Commission is able to respond to requests from third parties to fund or partner in other efforts that are consistent with the mission of the Gender & Justice Commission and within the limitations set by the funders.

Of particular note to this report is the new tribal courts set-aside requirement in the STOP grant courts allocation. From 2018 – 2021, the Washington State STOP Implementation Plan prioritizes supporting Tribes with the issues of domestic violence, sexual assault, and stalking. For the Commission's grant, this means tribal courts.

STOP funds have significantly grown our capacity to support tribal courts with their response to domestic and sexual violence. In 2018, funds supported outreach to build relationships with tribal courts, including in-person visits to 6 tribes. Overall we reached 22 of Washington's 29 tribes with in-person visits or trainings, and trained 34 unique tribal court judicial officers and court staff. In 2019, we grew even more, hiring a dedicated part-time staff person to support the Tribal State Court Consortium's work on these issues, and continue education efforts by bringing in nationally renowned speakers on missing and murdered indigenous women. A large focus of this work is on full faith and credit and enforcement of tribal court protection orders.

Specific Legislative Allocations

In 2017 and 2019, the Commission was grateful to be allocated specific legislative funds to support convening the Domestic Violence Work Groups detailed above on page 20.

State Justice Institute Project Grant

In 2018, the Gender and Justice Commission was awarded a three-year State Justice Institute Project grant to conduct a modern examination of gender impacts on justice with a particular focus on how race and poverty impact women when they access the courts, participate proceedings, or work in the court environment, as well as the consequences they experience once they leave the courthouse.



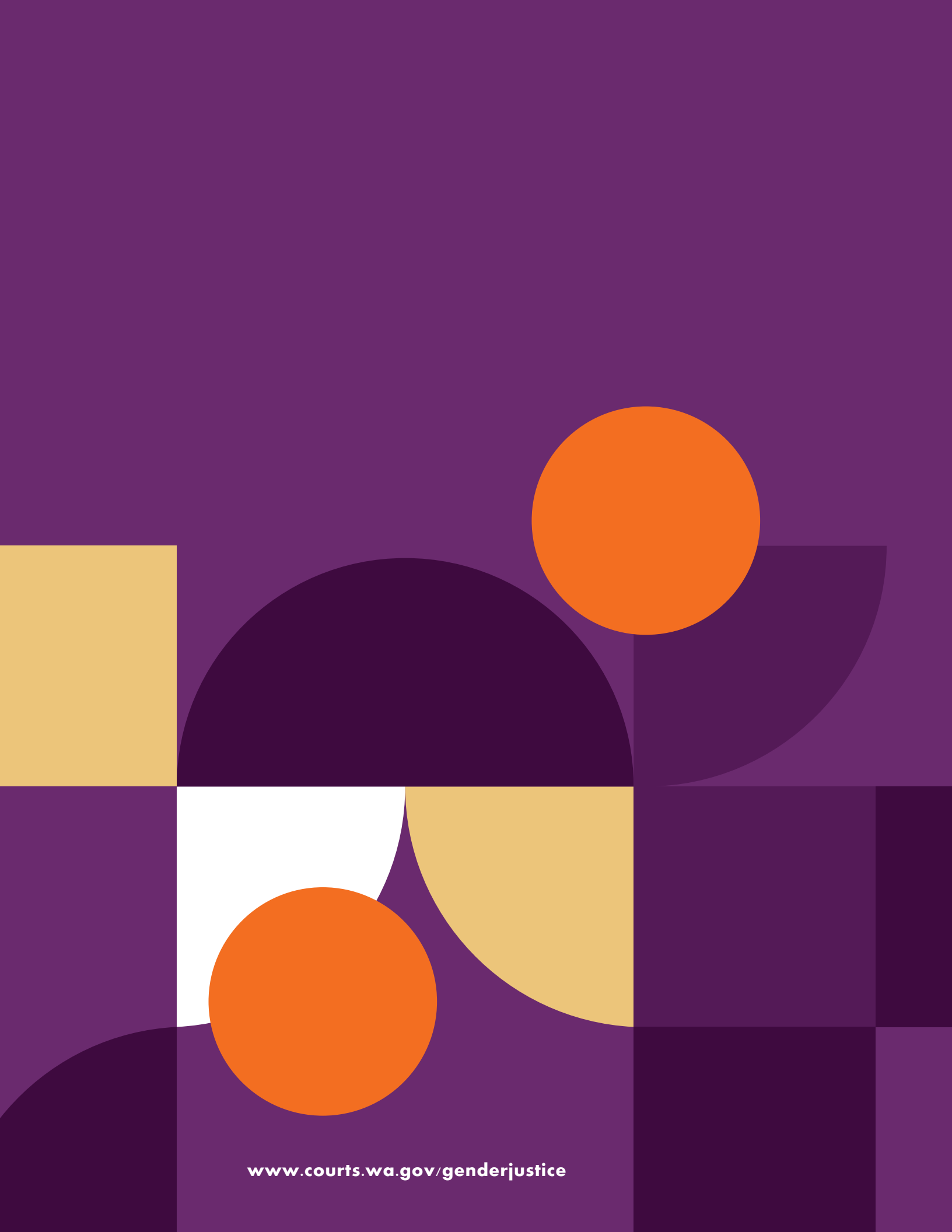
Justice Sheryl Gordon McCloud, GJC Co-Chair, Graciela Gomez Cowger, Chair, Washington State Women's Commission (WSWC), Michelle Merriweather, Vice-Chair, WSWC, Judge Marilyn Paja, GJC Co-Chair

Supporters, Funders, and Partners

The Gender and Justice Commission is a group of lawyers, judges, academics, students, advocates, and others, established and supported by the Washington State Supreme Court. Our mission is to promote gender equality and eliminate gender bias in the legal profession and within the law and justice system.

We could not do our work effectively without the support of our funders. Thank you to our state and federal funding sources and our legislative partners for their consistent support of our efforts. The Commission also relies on robust partnerships with other organizations and individuals that are committed to ensuring equality in the justice system. We succeed when we leverage our joint resources in support of our missions, and we welcome new partners.

We hope this report will enhance your understanding of the issues and the efforts that are underway to ensure that justice works for everyone. Through collaboration, innovation, and education we can reach our goals together.



www.courts.wa.gov/genderjustice